HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.12351 of 1998

Between

Sri Seetharama Agricultural Improvements and Lift Irrigation Cooperative Society Limited represented by its Part Time Special Officer ..Petitioner

AND

The State of Andhra Pradesh represented by its Principal Secretary ..Respondents

:: JUDGMENT ::

18.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

–

W.P. No.12351 of 1998

The present writ petition has been instituted seeking the following relief:

> "For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents in collecting water cess from the ryots/ members of the petitioner-society as arbitrary, illegal, excessive and expropriate in nature and consequently direct the respondents not to collect water cess from the ryots/ members of the petitioner-society and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

Though the writ petitioner has asserted that the respondents have been collecting water cess at different rates from the members of different lift irrigation societies, the learned Government Pleader for Irrigation and Command Area Development has placed before me the instructions received by her from the Tahsildar, Nandigama in Krishna District, to the effect that the water cess itself is not collected from the year 1999 onwards from any one including the members of the writ petitioner Society. The tabulated statement showing the land revenue collection particulars is also placed before me by the learned Government Pleader. Treating the same as part of the

case record, I consider that the cause in the writ petition does not survive, for, the collection of water cess itself has been stopped long back and in the proximate closeness of institution of the writ petition. Therefore, the writ petition stands dismissed, but however, without costs.

The proceedings of the Tahildar, Nandigama in Roc.A1/865/1998 dated 3.4.2007 are taken on record.

_____

NOOTY RAMA MOHANA RAO.J.

18.4.2007
psr